

## Judicial Opinion Writing Activity

### *Dickerson v. United States (2000)*

**What you need to know before you begin:** In a given term between October and April, the U.S. Supreme Court usually hears oral arguments in 70 to 80 cases. For one hour, the attorneys for the **petitioner** (who lost in the lower court and is now appealing the decision) and **respondent** (who won in the lower court) present arguments and answer the justices' questions. Later that week, the justices hold a private conference and discuss the case. The justices vote on the outcome of the case starting with the chief justice and then the associate justices in order of seniority with the most junior justice going last. The party in the majority with at least five votes wins. The chief justice or the most senior justice in the majority will assign a justice the job of writing a legal explanation, called an **opinion**. The justice will write a draft of the Court's **majority opinion** and circulate it to the other justices in the majority who will sign on to the opinion if they agree. The same procedure will happen to the justices in the minority who will write a **dissenting opinion**. Justices who agree with the outcome of the majority but for different legal reasons may write **concurring opinions** to explain their differences. There can also be more than one dissenting opinion.

**How it's done:** You have been given the facts, issue, constitutional amendment, law, and Supreme Court precedent, and arguments of the case. Consider and apply the constitutional provisions, law, and Supreme Court precedent to the case *Dickerson v. United States*. Carefully consider all of the arguments. Decide if you will find for the **petitioner** (Dickerson) and **reverse** the decision of the lower court, or for the **respondent** (United States) and uphold or **affirm** the lower court's decision. Finding for the United States will effectively overturn *Miranda v. Arizona*. Assume the majority of justices agree with you and write the Court's **majority opinion** explaining the reasons for the decision.

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**Case name:** *Dickerson v. United States* **Date decided:** \_\_\_\_\_ (today's date).

**Justice** \_\_\_\_\_ (your name) delivered the opinion of the Court.

**The question presented is:** \_\_\_\_\_

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1. Brief summary of case and lower court decision(s):

2. Write a paragraph explaining how the constitutional amendment, law, or precedent apply:

3. Write a paragraph explaining which arguments are most persuasive and why:

4. Therefore, we find for the petitioner / respondent (circle one), \_\_\_\_\_  
(name of party) and therefore reverse / affirm (circle one) the decision of the lower court.

5. *Miranda v. Arizona* has been upheld / overturned (circle one).

## **Dickerson v. United States (2000)**

**Argued:** April 19, 2000

**Decided:** June 26, 2000

### **Facts**

In 1966, in the case of *Miranda v. Arizona*, the U.S. Supreme Court held that a defendant must be advised of their rights and a waiver of the rights must be executed prior to any custodial interrogation. These requirements became known as the Miranda warnings: 1) the defendant has the right to remain silent; 2) any statement made by the defendant may be used against them in a court of law; 3) the defendant has the right to have an attorney present at any time during the questioning; and 4) if the defendant cannot afford an attorney, one will be appointed for them. Following the decision, Congress attempted to get around the Miranda warnings requirement by passing a statute (18 U.S. Code 3501) that allowed confessions to be admissible into evidence as long as they were made voluntarily.

On January 24, 1997, a NationsBank in Alexandria, VA, was robbed. Witnesses at the scene identified the getaway car. Later, police discovered that the car belonged to Charles Thomas Dickerson. Three days after the armed robbery, FBI agents went to Dickerson's apartment where they found the identified getaway car. The agents asked Dickerson to accompany them to the FBI field office for questioning. During the interrogation, no one read Dickerson the Miranda warnings. In Dickerson's first statement to the agents, he admitted he was in the vicinity of the bank at the time of the robbery. Based on this information, agents obtained a search warrant for his apartment, issued at 8:41 p.m.

Shortly after Dickerson learned that his house would be searched, he made a second statement to the agents, admitting that he was the getaway driver in the robbery. Following his admission, Dickerson was placed under arrest. Dickerson signed a consent form at 9:41 p.m., affirming that an officer read him Miranda warnings and that he waived his rights. There was a dispute as to when Dickerson signed the form. Dickerson asserted that he was not given his Miranda warnings until after he made his second statement. The government claims that the waiver was signed before the second statement.

Dickerson was charged in federal court with one count of conspiracy to commit bank robbery and three counts of using a firearm during a bank robbery. Dickerson filed a motion to suppress the statements made at the FBI field office and items seized during the search: a handgun, dye-stained money, a bait ball from another robbery, ammunition, and masks. The U.S. District Court for the Eastern District of Virginia granted the motion to suppress on the grounds that Dickerson's statements were in clear violation of *Miranda* and the officer's obtained the search warrant without probable cause.

The United States appealed the order to suppress Dickerson's statements to the U.S. Court of Appeals for the Fourth Circuit. The appeals panel reversed the decision of the trial court. The Fourth Circuit concluded that Dickerson's statements could be introduced at trial under section 3501, even though no one read his Miranda warnings to him. Dickerson then asked for a rehearing *en banc* (with all of the judges present), but the court denied his rehearing by an 8-5 vote. The U.S. Supreme Court granted certiorari to review the decision of the Fourth Circuit, which had used section 3501 instead of *Miranda* to govern the admissibility of evidence alleged to be in violation of the Fifth Amendment's privilege against self-incrimination.

### **Issue**

Is a voluntary statement made by a defendant during a custodial interrogation admissible as evidence under section 3501 even though the statements were made in violation of the requirements set out in *Miranda*?

### **Constitutional Provision, Supreme Court Precedent, and Law**

- **Fifth Amendment to the U.S. Constitution**

“No person shall be ... compelled in any criminal case to be a witness against himself; nor shall be deprived of life, liberty, or property, without due process of law ...”

This has been interpreted to mean that there is a right against compelled “self-incrimination,” or being forced to make statements used at trial to prove guilt.

- ***Miranda v. Arizona* (1966)**

In 1963, Ernesto Miranda was arrested for kidnapping and rape. After two hours of questioning by the police, Miranda confessed in writing to the crimes. Miranda appealed his conviction, arguing that his confession should have been excluded from trial because he did not have an attorney present during his interrogation. The U.S. Supreme Court ruled for Miranda. It stated that the Constitution allows individuals to talk with an attorney both before and during police questioning and that these rights must be clearly stated to the accused.

- **Section 3501 of the 1968 Crime Bill**

Congress passed the 1968 Crime Bill, which said that in determining whether confessions are voluntary and admissible in Court, the reading of Miranda warnings is just one of several factors that should be considered. Other factors the Court should think about include the following:

- 1) whether any warnings were given,
- 2) the time that elapsed between arrest and confession, and

3) whether the defendant knew with certainty that they could request a lawyer.

Missteps in any one of these areas would not necessarily result in the inadmissibility of the confession. This made the admissibility of confessions hinge exclusively on whether or not they were made “voluntarily.” This law was virtually ignored for decades because both Democrats and Republicans questioned its constitutionality.

### **Arguments for Dickerson (Petitioner)**

- The Miranda warnings are constitutional requirements that protect the privilege against self-incrimination under the Fifth Amendment during a custodial interrogation.
- *Miranda* was a decision interpreting the Constitution that only the Supreme Court or a constitutional amendment may overturn. Congress does not have the power to pass a statute that would overturn a constitutional requirement.
- Even if Congress has the power to overturn the *Miranda* ruling, section 3501 fails to meet the constitutional requirements set out in *Miranda* that protect a defendant’s right against self-incrimination under the Fifth Amendment.
- Based on *stare decisis* (doctrine of established precedent), the Miranda warnings have played a unique role in the criminal justice system. Law enforcement officers have used the warnings for the past 30 years as part of their routine. The courts have also used *Miranda* as a guide to ensure an accused’s Fifth Amendment rights are protected. Overruling *Miranda* and replacing it with another procedure would require the reversal of later U.S. Supreme Court decisions that were based on the constitutionality of *Miranda*. It would also seriously undermine the confidence of the criminal justice process.

### **Arguments for the United States (Respondent)**

- The Miranda warnings are not requirements under the Constitution. They are procedural safeguards to be applied with rules of evidence and procedure.
- Because the Miranda warnings are procedural safeguards and not constitutional mandates, Congress has the authority to overrule and modify them, as it did with the passage of section 3501.
- Section 3501 is an adequate substitute for the Miranda warnings. Its main function is to preserve the Fifth Amendment’s privilege against self-incrimination.
- Even if no one read the Miranda warnings to the defendant, under section 3501 the statements should still be admissible as evidence because they were made voluntarily.
- As a matter of public policy, many criminals are released and never prosecuted because they were not read Miranda warnings prior to making a statement, even though the statement was

made voluntarily. Section 3501 would ensure that criminals would be fully prosecuted, and justice would be better served.